HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.2619 OF 2001

Between:

M/s.Vidarbha Alloy Conductors

. . .Petitioner

AND

The Chief Engineer/Electricity (P & MM),
Purchasing & Materials Management,
The Transmission Corporation of
Andhra Pradesh Limited, Hyderabad and others

. . .Respondents

:: ORDER ::

Counsel for the petitioners : Shri Satish Kumar Varma
for Shri Milind G. Gokhale

Counsel for the respondents : Shri O.Manoher Reddy

Dated: 1st August, 2007

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In this petition, the petitioner has prayed for issue of a mandamus to the respondents to pay interest at the rate of 24% per annum on the delayed payment of its dues.

After arguing the case for some time, learned counsel for the petitioner made a request that his client may be permitted to withdraw the writ petition with liberty to avail remedy in terms of Section 6(2) of the Interest on Delayed Payments to Small Scale and Ancillary Undertakings Act, 1993 (for short 'the Act').

Shri O.Manoher Reddy, learned counsel for the respondents says that he does not have any objection to the acceptance of request made by the counsel for the petitioner.

In view of the above, the writ petition is dismissed as withdrawn with liberty to the petitioner to avail the alternative remedy.

If the petitioner files an application under Section 6(2) of the Act and cognizance thereof is taken by the Industry Facilitation Council, then the respondents shall be free to raise all legally permissible objections to oppose the prayer of the petitioner.

As a sequel to dismissal of the main petition as withdrawn, WPMP No.3302 of 2001 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

1st August, 2007

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